

**STIP  
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Attorney for ARIAWHORAI**

## UNITED STATES DISTRICT COURT

# **IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
vs. )  
Plaintiff, )  
EFETURI ARIAWHORAI, )  
Defendant. )  
Case No.: 2:18-cr-00301-APG-VCF  
STIPULATION TO CONTINUE  
MOTION TO WITHDRAW  
(FIRST REQUEST)

*Certification:* This stipulation is filed pursuant to General Order 2007-04.

IT IS STIPULATED between the defendant EFETURI ARIAWHORAI through his attorney GABRIEL L. GRASSO, ESQ., and the United States of America, through RICHARD ANTHONY LOPEZ, Assistant United States Attorney, that the Defense Motion to Withdraw as Counsel currently scheduled for October 1, 2018, at the hour of 10:00 a.m., be vacated and continued to a date and time convenient to this court.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. There have been no previous continuances granted to the defense in this case.
2. The defense seeks to have the Defense Motion to Withdraw continued to a date which defense counsel can attend.
3. Defense counsel will be out of the jurisdiction between September 26, 2018 and October 1, 2018.
4. Defense Counsel will be present in the District of Nevada, Las Vegas, on October 2, 2018 and thereafter.

1           5. Denial of this request for continuance would deny defense counsel sufficient  
2           time to be able to appear at the motion to withdraw, taking into account the  
3           exercise of due diligence.  
4           6. Also, denial of this request or continuance would result in a miscarriage of  
5           justice.  
6           7. This is the first request for a continuance of the motion to withdraw hearing  
7           date.

8           DATED this 27th day of September, 2018.

9           RESPECTFULLY SUBMITTED BY:

10           /s/ Richard Anthony Lopez  
11           RICHARD ANTHONY LOPEZ  
12           Assistant United States Attorney

13           /s/ Gabriel L. Grasso  
14           GABRIEL L. GRASSO  
15           Attorney for ARIAWHORAI

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## **FINDINGS OF FACT**

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The defense seeks a new setting after October 1, 2018 in order to be present in the jurisdiction for defense counsel's motion to withdraw.
2. The defendant is a fugitive at large and has not been available to defense counsel since August 2, 2018.
3. This stipulation complies with General Order 2007-04.

## **CONCLUSIONS OF LAW**

- Denial of this request for continuance would deny counsel the ability to explain his reasons for withdraw to the Court.

1           2. Additionally, denial of this request for continuance would result in a  
2           miscarriage of justice.  
3           3. For all of the above stated reasons, the ends of justice would best be served  
4           by a continuance of the sentencing hearing date.  
5           4. The additional time requested by the stipulation, is excludable in computing  
6           the time within which the trial herein must commence pursuant to the Speedy  
7           Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C.  
8           § 3161(h)(7)(B)(i) and (iv).  
9           5. This is the first request for a continuance.

10           **ORDER**

11           **IT IS ORDERED** that the MOTION TO WITHDRAW hearing currently scheduled  
12           for October 1, 2018, at 10:00 a.m., be vacated and continued to October 2, 2018 at 2:00  
13           PM, in Courtroom 3D.

14           DATED this 27th day of September, 2018.

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UNITED STATES MAGISTRATE JUDGE

20           If at the time of the hearing defendant is in federal custody, he should be transported to the  
21           hearing.